

### REMARKS

By the above amendment, generic Claim 24 has been added. Claim 24 is a linking claim which links together the processes of Claims 1 and 7 and is based on Claims 1 and 7 as filed. A paper authorizing the payment of the requisite fee for this additional claim from a Deposit account accompanies this request.

Restriction has been required between Groups I and II as follows:

- I. Claims 1-6 and 13-23, drawn to a process for producing as benzyl bromide classified in class 570, subclass 192.
- II. Claims 7-12 drawn to a process for producing benzal bromide classified in class 570, subclass 192.

This Requirement is respectfully traversed. First of all, the above Claim 24 serves as a generic linking claim. Secondly, since the subject matter of Groups I and II are both found in a single subclass, it is not seen that the search will involve an undue burden. As the Examiner no doubt realizes, MPEP 803, second paragraph reads as follows:

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

[Emphasis added]

Further, while the inventions of Groups I and II are separately patentable, no one is harmed by keeping the inventions in the same application because as the Action acknowledges the subject matter is apparently all collected in one subclass. In addition, the fee for all claims in the case has been paid to the Office and thus the Office has been reimbursed for whatever extra time it might take to examine the claims of these groups on the merits. If maintained, the requirement would foster the creation and maintenance of twice the number of application files and much more paperwork than would be needed in one application. Multiple applications of course multiply the fees and associated costs needed to prosecute such applications, to say nothing of the increased volume of mailings that must be processed

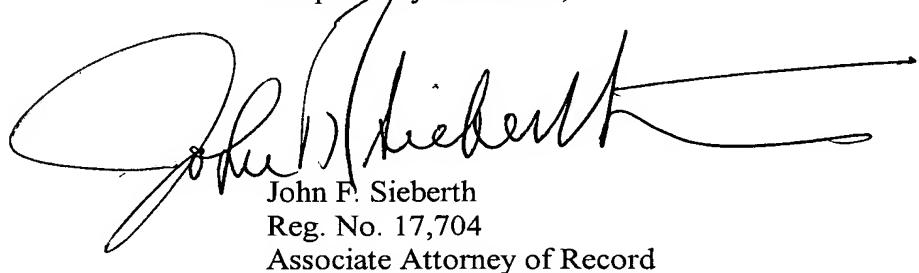
not only by the Postal Service but by the Office staff responsible for such matters. Also the public will remain uncertain as to what subject matter will be patented, and when. Moreover to review such multiple patents means that the public must purchase different patents for review instead of one. Also files everywhere (e.g., PTO, libraries, abstracting services, business files, etc.) would be made more voluminous by virtue of the requirement, if maintained. It is submitted that all of this could be readily avoided by withdrawing the requirement in this case. Accordingly, Applicants respectfully request reconsideration and withdrawal of the requirement.

In order to be fully responsive, Applicants hereby provisionally elect with traverse the subject matter of Group I comprised of Claims 1-6 and 13-23 and new Claim 24.

Also by the above amendment Applicants have corrected an inadvertent clerical error in the Specification as filed. This correction does not constitute new matter. Thus, the amendment made in paragraph 0032 is clear on its face since the first sentence thereof refers to a weight ratio in terms of grams per gram. Thus since the second sentence also refers to a weight ratio, clearly the units given in the second sentence should also be in terms of grams per gram rather than mole per mole.

Further and favorable action on all of the claims in the case is respectfully requested. Please continue to address all correspondence in this Application to Mr. Philip Pippenger at the address of record.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that in accordance with standard business practice, this paper (along with any referred to as being attached or enclosed) is to be deposited on the date shown below with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

May 23, 2003

Date



Marie H. Zoller

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